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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/541,824

07/11/2005

Francesco Carlo Tinti

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02/13/2008

NATH & ASSOCIATES
112 South West Street
Alexandria, VA 22314

EXAMINER

PHAN, HAU VAN

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

02/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-----------------------------------------------|--|
| Office Action Summary | Application No. 10/541,824 | Applicant(s) TINTI, FRANCESCO CARLO | |
| | Examiner Hau V. Phan | Art Unit 3618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/17/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. The amendment filed on 12/17/2007 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 12/17/2007 is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 16-17 and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Murakawa et al. (5,113,819).**

Murakawa et al. in figures 1-4, disclose an engine compartment-partitioning layer for use in an engine compartment (21) having the same structure, which can be used the same method as claimed in claims 27-28. The partitioning comprises one or more partition sections (18, 15, 50) together shaped to horizontally divide the engine compartment above an engine, wherein the one or more partition sections together with a closed hood (44) of the engine compartment form an acoustically effective cavity.

Regarding claim 17, Murakawa et al. disclose the one or more partition sections each comprising a carrier layer and a sound absorbent layer.

Regarding claim 25, Murakawa et al. disclose the two or more of the sections, which are joinable and mutually complementary.

Regarding claim 26, Murakawa et al. disclose the partition comprising at least one acoustically effective aperture (17).

Regarding claim 29, Murakawa et al. disclose the cavities having different volumes.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakawa et al. (5,113,819) as applied to claim 16 above, and further in view of Doucette, Jr. et al. (5,985,405).

Murakawa et al. disclose the carrier layer, but fail to show the layer comprising phenolic resinous nonwoven layer,

Doucette, Jr. et al. in figure 1, teach a reinforce ablative/insulative including an insulative layer (26), which can be made in phenolic, polyurethanes, fiber, foam, felt layer and textile material. It would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify the layer of Murakawa et al. with the reinforce ablative/insulative including an insulative layer, which can be made in phenolic, polyurethanes, fiber, foam and textile material. as taught by Douclette, Jr. et al. in order to take advantage of weight reduction, be able for use as a heat shield against the engine and noise absorbent. Also it matter related to the choice of ornamentation producing no mechanical effect or advantage considered to constitute the invention are considered obvious and do not impart patentability. *In re Seid*, 73 USPQ 431.

Regarding claim 19, Murakawa et al. disclose the carder layer further comprising a first water and oil repellant layer.

Response to Arguments

7. Applicant's arguments filed 12/17/2007 have been fully considered but they are not persuasive. In response to application's remark that Murakawa et al. does not disclosed an "engine compartment partition" comprising "one or more partition sections together shaped to horizontally divide [an] engine compartment above an engine", "one or more partition sections [which] together with a closed hood of [an] engine compartment form an acoustically effective cavity", "horizontally dividing [an] engine compartment" and "forming [one or more] acoustically effective cavit[ies] between...partition sections and a closed hood". The examiner disagrees, because Murakawa et al. in figures 2-4, disclose an engine compartment partition comprising one or more partition sections (34, 18, 19) together shaped to horizontally divide an engine

room above an engine. The one or more partition sections together with a closed hood (44) form an acoustically cavity for controlling sound or absorbing sound from the engine (col. 3, lines 1-2).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hau V Phan/
Primary Examiner, Art Unit 3618